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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/552,590

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Tsukasa Sako

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FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

EXAMINER

JERABEK, KELLY L

ART UNIT

PAPER NUMBER

2612

DATE MAILED: 06/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/552,590

Applicant(s)

SAKO, TSUKASA

Examiner

Kelly L. Jerabek

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2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 29-52 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 29-52 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

The drawings were received on 3/19/2004. These drawings are acceptable.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 36-39, 47-50, and 52 rejected under 35 U.S.C. 102(e) as being anticipated by Anderson US 6,657,667.

Re claim 36, Anderson discloses in figure 1 a digital camera (110) capable of taking an image. The camera (110) takes an image and associates an image taking ID (tag) with it (fig. 7A; col. 7, lines 43-52). The digital camera (110) also includes storage

means (memory 346) for storing the image taking ID (tag) and the image (fig. 7A, step 562; col. 7, lines 56-60). When the images are tagged and stored the panes of the composite image are displayed and it is determined which image panes have corresponding captured images (col. 7, lines 62-67). If the current pane has already been captured in step (574) the user is asked if the previously captured image should be overwritten. If the user answers yes, the image is overwritten (col. 8, lines 11-16). Therefore, a previously taken image is set to be outputted externally when the image has the same image taking ID (tag) as the image taking ID (tag) in the storage means.

Re claim 37, the captured images are displayed on an LCD (402) (col. 7, lines 62-67). Therefore, the taken image with the same image taking ID (tag) is displayed.

Re claim 38, the panes of the composite image format are displayed on the LCD (402) with an icon or number in the panes that have been captured (col. 7, lines 63-67). Furthermore, if the current pane has already been captured the user has the option of outputting that image externally by overwriting it (col. 8, lines 11-16). However, the image is only outputted externally if the user indicates that it should be overwritten. Therefore, since the display means displays an icon for the image panes that corresponding captured images and not all of these images are overwritten it can be seen that the display means (402) displays an identification mark (icon) for an image other than the image to be outputted externally.

Re claim 39, the image taking ID (tag) includes an image taking conditions (order of image capture, image overlap, lens field of view) (col. 7, lines 43-52).

Re claim 47, see claim 36.

Re claim 48, see claim 37.

Re claim 49, see claim 38.

Re claim 50, see claim 39.

Re claim 52, Anderson discloses a non-volatile memory (350) that stores a set of computer-readable program instructions to control the operation of a camera (110) (col. 4, lines 24-37). For the rest of claim 52, see claim 36.

Claim Rejections - 35 USC § 103

Claims 29-30, 33-35, 40-41, 44-46, and 51 rejected under 35 U.S.C. 103(a) as being unpatentable over Taguchi et al. US 5,807,256 in view of Strawder US 6,282,513.

Re claim 29, Taguchi discloses in figure 1 a Picture Archiving Communication System (PACS) containing a medical information processing system (col. 12, lines 7-18). The system includes image acquisition apparatuses (2a, 2b) for taking images, a database (3) for storing images acquired by the image acquisition devices (2a, 2b), and workstations (4A, 4B) (col. 12, lines 18-24). Each workstation (4A, 4B) includes an image display (fig. 2: 4i) to display an image taken by the image acquisition devices (col. 17, lines 4-9; col. 19, line 40 – col. 20, line 13). Although Taguchi discloses all of the above limitations, he fails to include selection means for selecting an image as an object for re-taking from among the images displayed, and he also fails to includes re-taking instruction means for instructing the image taking means to re-take an image corresponding to the image selected by the selection means.

Strawder discloses in figure 1 an x-ray machine (10) connected to a computer (60). Using the x-ray machine (10) a technologist takes a series of five images (col. 11, line 1 – col. 12, line 9). After all of the images are taken the technologist develops the series of x-rays (col. 12, lines 9-10). The technologist then reviews the pictures and determines that the lateral or fourth view must be retaken (col. 12, lines 10-13). A manual selection means is provided for selecting an object for re-taking from among the already taken images displayed. The technologist then repositions the body part (90) and re-takes the lateral view image (col. 12, lines 13-20). A manual re-taking instruction means is provided for instructing the image taking means to re-take and an image corresponding to the image selected by the selecting means. Therefore, it would have been obvious for one skilled in the art to have been motivated to include selection

means for selecting an object for re-taking and re-taking instruction means for instructing the image taking means to re-take an image corresponding to the image selected by the selection means as taught in Strawder in the Picture Archiving Communication System disclosed by Taguchi. Doing so would provide a means for reviewing taken x-ray images and instructing re-taking of any images that are not acceptable (Strawder: col. 12, lines 9-15).

Re claim 30, Strawder discloses in figure 1 an x-ray machine (10) connected to a computer (60). Using the x-ray machine (10) a technologist takes a series of five images (col. 11, line 1 – col. 12, line 9). After all of the images are taken the technologist develops the series of x-rays (col. 12, lines 9-10). The technologist then reviews the pictures and determines that the lateral or fourth view must be retaken (col. 12, lines 10-13). A manual selection means is provided for selecting an object for re-taking from among the already taken images displayed. The technologist then repositions the body part (90) and re-takes the lateral view image (col. 12, lines 13-20). A manual re-taking instruction means is provided for instructing the image taking means to re-take and an image corresponding to the image selected by the selecting means. The x-rays are developed and reviewed by the technician (col. 12, lines 9-13). Therefore, when re-taking of an image is instructed the image of the object for re-taking (lateral or fourth exposure) and the re-taken image (lateral view again or sixth exposure) are displayed.

Re claim 33, Taguchi states that the images acquired by the image acquisition apparatus (2a) have additional information (image taking ID's) attached to them (Taguchi: table 9, col. 19, lines 13-67). In addition, Strawder states that image taking ID's (patient's name, name of view) are attached to each of the images taken manually (Strawder: col. 11, lines 1-16).

Re claim 34, according to the Strawder reference, when re-taking is instructed by the technologist, the same image taking ID is attached to the re-taken image as the initial image (col. 11, lines 1-16, col. 12, lines 9-17).

Re claim 35, according to the Strawder reference, the image taking ID includes the name of the inspected person and the image taking body part (Strawder: col. 11, lines 1-16).

Re claim 40, see claim 29.

Re claim 41, see claim 30.

Re claim 44, see claim 33.

Re claim 45, see claim 34.

Re claim 46, see claim 35.

Re claim 51, Taguchi discloses a system disk (fig. 2: 4b) that stores programs and reads out these programs when electric power is switched on to supply them to a system memory within the control memory (fig. 2: 4a). (See also col. 14, lines 51-54). For the rest of claim 51, see claim 29.

Claims 31-32, and 42-43 rejected under 35 U.S.C. 103(a) as being unpatentable over Taguchi in view of Strawder in view of Kawamura et al. US 6,522,354.

Re claim 31, Taguchi in view of Strawder discloses all of the limitations of claim 30. However, Taguchi in view of Strawder fails to include an output image selection means for selecting an image to be outputted externally from among the images of the object for re-taking and the re-taken image when these images are displayed by the display control means.

Kawamura discloses in figure 1 an electronic camera with a transfer means (4) capable of transferring images to external equipment (col. 3, lines 9-15). As shown in figure 2 when the camera (11) is set in transfer mode a microcomputer (15) retrieves images stored on the memory card (21) and produces thumbnail images to be displayed on a display (19) (col. 5, lines 19-40). The operator then selects via selection switches

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(35,36,37) the images on the display (19) that are to be transferred (col. 5, lines 42-49).

Thus, the camera (11) includes output image selection means for selecting an image to be outputted externally from among the images displayed by the display (19).

Therefore, it would have been obvious for one skilled in the art to have been motivated to include the output image selection means for transferring images to external equipment as disclosed by Kawamura in the Picture Archiving Communication System capable of displaying original and re-taken images disclosed by Taguchi in view of Strawder. Doing so would provide a means for capturing and recording an image and transferring the image to external equipment (Kawamura: col. 1, lines 16-20).

Re claim 32, Taguchi in view of Strawder discloses all of the limitations of claim 29. However, Taguchi in view of Strawder fails to state that the display control means displays an identification mark for the image not selected by an output image selection means

Kawamura discloses in figure 1 an electronic camera with a transfer means (4) capable of transferring images to external equipment (col. 3, lines 9-15). As shown in figure 2 when the camera (11) is set in transfer mode a microcomputer (15) retrieves images stored on the memory card (21) and produces thumbnail images to be displayed on a display (19) (col. 5, lines 19-40). The operator then selects via selection switches (35,36,37) the images on the display (19) that are to be transferred (col. 5, lines 42-49). Thus, the camera (11) includes output image selection means for selecting an image to be outputted externally from among the images displayed by the display (19).

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Furthermore, the camera (11) displays a PC icon (52) or a telephone icon (51) in association with each item that has been transferred (col. 8, lines 1-5). Although these icons are attached to images that are selected by the output image selection means, it can also be seen that an identification mark (numbers 2 and 4) is displayed for the images not selected by the output image selection means. In figure 6, the images corresponding to the numbers 2 and 4 are not selected by the output selection means but they do have identification marks (2,4). Therefore, it would have been obvious for one skilled in the art to have been motivated to include the output image selection means for transferring images to external equipment as disclosed by Kawamura in the Picture Archiving Communication System capable of displaying original and re-taken images disclosed by Taguchi in view of Strawder. Doing so would provide a means for capturing and recording an image and transferring the image to external equipment (Kawamura: col. 1, lines 16-20). In addition it would provide a means for determining which images have been transferred (col. 2, lines 1-9).

Re claim 42, see claim 31.

Re claim 43, see claim 32.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Takasawa (US 6,501,827) discloses an examination system, image processing apparatus and method, medium, and x-ray photographic system.

Nakaya (US 5,440,607) discloses an image recording/reproducing apparatus.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contacts

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kelly L. Jerabek whose telephone number is 703-305-8659. The examiner can normally be reached on Monday - Friday (8:00 AM - 5:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on 703-305-4929. The fax phone number for submitting all Official communications is 703-872-9306. The fax phone number for submitting informal communications such as drafts, proposed amendments, etc., may be faxed directly to the Examiner at 703-746-3059.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KLJ


NGOC-YEN VU
PRIMARY EXAMINER